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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

CHRISTOPHER BASILE,

Plaintiff,

vs.

KIRSTEN NOVAK,

Defendant.

Case No: 2:19-cv-00429-JAD-BNW

**STIPULATION AND ORDER TO
EXTEND DISCOVERY DEADLINES
(SECOND REQUEST)**

Pursuant to Local Rules 6-1 and 26-4, Plaintiff Christopher Basile (“Basile”) and defendant Kirsten Novak (“Novak” and with Basile, the “Parties”), through their respective undersigned counsel, hereby stipulate and agree to extend the current schedule for discovery deadlines by 90 days. Good cause exists in this instance because certain discovery has been delayed due to the unavailability of the parties, difficulty in serving certain parties and because several non-parties have raised concerns over their production of documents and testimony.

The Court initially entered a Discovery Plan and Scheduling Order on May 23, 2019 (ECF No. 18) (the “Scheduling Order”). This stipulation will be received by the Court “no later than twenty-one (21) days before the expiration of the subject deadline,” as is required by LR 26-4.

Pursuant to LR 6-1 and 26-4, and good cause appearing therefor, the Parties hereby make the following required statements:

A. Specific Discovery Completed. The following discovery has been completed:

On May 30, 2019, Basile made his initial disclosures pursuant to Federal Rule of Civil Procedure 26(a). On July 11, 2019, Novak made her initial disclosures pursuant to Federal Rule

1 of Civil Procedure 26(a). On July 22, 2019, Basile served his Requests for Production of
2 Documents on Novak. On the same date, Basile served a subpoena to produce documents on
3 Verizon Wireless (the “Verizon Subpoena”). On July 30, 2019, Basile received a response to the
4 Verizon Subpoena stating that no records would be produced due to certain protections afforded
5 to subscribers in California under California law. On July 22, 2019, Basile served requests for
6 production of documents. On or around September 9, 2019, Novak provided responses to such
7 requests which have since been supplemented. On August 19, 2019, Novak served requests for
8 production of documents and interrogatories. On October 7, 2019, Basile provided responses to
9 such requests which have since been supplemented. The deposition of Novak was taken on
10 September 20, 2019 and the deposition of Basile was taken on October 28, 2019.

11 B. Discovery Remaining. The parties anticipate that they will collectively take at least
12 fifteen depositions. Counsel anticipates that they will work cooperatively in setting firm dates,
13 times and locations to complete these depositions. Although the parties have been working in
14 good faith to proceed forward with discovery, given conflicting schedules and the inability to
15 serve and locate certain non-parties, and the location of certain depositions, it has been difficult
16 to schedule depositions and it is, therefore, necessary that all discovery be continued to allow for
17 coordination of these schedules and to locate non-parties. In addition, due to the concerns raised
18 by counsel for Novak’s divorce attorneys regarding the subpoenas issued to them, Basile has been
19 forced to delay certain other discovery which would have relied on the records located. Basile
20 anticipates issuing interrogatories and requests for admission to Novak and may issue additional
21 document subpoenas to third parties depending on the results of certain other depositions. Based
22 on the foregoing, the parties respectfully request that the remaining discovery deadlines be
23 amended accordingly.

24 C. Why Discovery Was Not Completed. As noted above, due to the inability to locate
25 certain non-parties, depositions could not be scheduled within sufficient time prior to the
26 discovery deadline. In addition, because of Novak’s divorce attorneys’ concerns relating to
27 Basile’s subpoenas, certain discovery has been delayed to allow such non-parties to investigate
28

1 these issues. Accordingly, due to these delays, additional time is necessary for the parties to
2 complete their discovery.

3 D. Proposed Discovery Schedule. The parties propose the following amended
4 discovery plan and scheduling order:

5 1. Fact Discovery: The parties propose that the deadline for discovery be
6 extended from December 18, 2019 to March 18, 2020.

7 2. Dispositive Motion Deadline: The parties propose that the deadline for
8 dispositive motions be extended from January 17, 2020 to April 17, 2020.

9 3. Pre-Trial Order: The parties propose that the deadline to submit a Joint Pre-
10 Trial Order be extended from February 14, 2020 to May 14, 2020. In the event dispositive motions
11 are filed, the date for filing the Joint Pre-Trial Order and the accompanying Fed. R. Civ. P. 26(a)(3)
12 pretrial disclosures and objections shall be suspended until thirty (30) days after the decision on
13 the dispositive motion or upon further Order by the Court extending the time period in which to
14 file the Joint Pre-Trial Order. The disclosures required by Fed. R. Civ. P. 26(a)(3), and any
15 objections thereto, shall be included in the pretrial order.

16 E. Currently there is no trial date set.

17 F. There has been one previous stipulation by the parties for extension of discovery
18 deadlines in this matter.

The requested extension is sought in the interest of justice and not for the purpose of delay.
None of the parties will be prejudiced by the requested extension.

IT IS SO STIPULATED.

DATED this 15th day of November, 2019.

DAVID J. WINTERTON &
ASSOCIATES, LTD

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IT IS SO ORDERED:



UNITED STATES MAGISTRATE JUDGE

DATED: 11/18/2019

4831-4346-5376, v. 1